Court NO. 5

Writ Petition No. 3312 (S/S)2001

Yogendra Singh Khokar ……
Petitioner

Versus

G.B. Pant University of Agriculture and
Technology, pant Nagar, Distt. U.S. Nagar and Ors. Respondents

Hon'ble M.M. Ghildiyal, J.

By means of this writ petition the petitioner has prayed for a direction to respondents to consider his representation for his appointment for the post of Technical Assistant.

Heard Sri B.D. Upadhyay learned counsel for the petitioner and Sri Rajendra Dobhal learned counsel for the respondent University.

The case of petitioner is that he was appointed as Research Associate on 01.02.1984. On 18.10.1984 he was appointed as Shift Incharge and continued as Shift Incharge till 28.11.1988, when he was appointed as Field Assistant. By a resolution-dated 22.07.1995 the University took a decision for adjustment of Research Associates working in different project of the University to the post of Technical Assistant & Senior Technical Assistant. In pursuance to this resolution a list was prepared, in which the name of the petitioner & three other persons S/Sri Devendra Singh, K.P.S. Tomar and Satyaveer Singh did not find place. Consequently they moved a representation before the University. The University constituted a committee, which submitted its report on 16.01.1996 and recommended that in case these Field Assistant, are ready to be reverted to original post of Research

Associates to get benefit of the post of Technical Assistant. They can not be deprived from the benefits. According to the petitioner the University has not paid any heed to the recommendations of the committee. Consequently Sri K.P.S. Tomar filed Writ petition no. 27860 of 1997 before the Allahabad High Court and the High Court of Allahabad disposed of the writ petition on 15.09.1998 with directions that if the petitioners refunds the difference of emoluments of the pay scale of Research Associate and Field Assistant they shall be considered within three months for appointment as Technical Assistant in accordance with law. Sri Satyaveer Singh and Devendra singh also filed writ petition before Allahabad High Court and these writ petitioner were also disposed of in terms of the judgment of writ petition no. 27860 of 1997. The petitioner has now filed writ petition & claims parity with Sri Tomar, Sri Devendra Singh & Sri Satyaveer Singh. Learned Counsel for the petitioner has submitted that in compliance of order passed by High Court the Chief Personnel Officer appointed Sri Devendra Singh and Sri Satyaveer singh as Technical Assistant on 23.02.2201.

Sri Rajendra Dobhal Learned counsel of the University has filled counter Affidavit. He has taken a stand that Sri Devendra Singh & Sri Satyaveer Singh were working as Research Associate and thereafter they were selected to the post of Field Assistant whereas the petitioner who was initially appointed as Research Associate and was subsequent appointed as Shift Incharge and thereafter as Field Assistant. The report of the committee was in respect of the person who were working as Research Associates prior to appointment as Field Assistant. The petitioner is not on the

same footing as he was appointed as Shift Incharge and again as Field Assistant. According to him the petitioner can not be permitted to claim parity with Sri Devendra Singh & Sri Satyaveer Singh. I do not find force in the submission. The committee has recommended the case of petitioner vide report dated 16.01.1996. The petitioner has submitted a representation to the Vice Chancellor of the University, which is still pending according to counsel for the petitioner.

For the reseans recorded above respondents are directed to decide the representation of the petitioner dated 07.3.2001 keeping in view the recommendations of the committee constituted by the Vice chancellor and the judgment dated 15.09.1998 passed by Allahabad High Court in Writ Petition no. 27860 of 1997 K.P.S. Tomar V.s Vice Chancellor, G.B. Pant University in accordance with law.

With these observations the Writ Petition is disposed of finally. No order as to cost.

M.M. Ghildiyal, J.

11.08.2003
Neeraj/-